

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13349 of 2016**

Arising Out of PS.Case No. -40 Year- 2015 Thana -MAHILA P.S. District- ARRARIA

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1. Md. Awesh @ Awesh son of Md. Jainuddin Resident of village - Purwari  
Jhirua, Arahra - Madarganj, P.S. - Simraha, Dist - Araria.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Ahmad Ali (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
**ORAL ORDER**

3      11-05-2016                      Heard the learned counsel for the petitioner as well as  
  
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences  
punishable under sections 341, 323, 376, 313 and 349 of the I.P.C

Allegedly, the petitioner committed rape forcibly with  
the informant after entering into her courtyard and when she  
started raising alarm the petitioner gave assurance to marry with  
her and thereafter the petitioner started developing sexual  
relationship with the informant resulting she became pregnant and  
the petitioner and others assaulted her causing abortion to the  
informant and thereafter the petitioner and his family members  
refused to marry with the informant.

Submission is that it is a case of love affair, with the

consent of the informant sexual relationship was developed, no offence punishable under section 376 of the I.P.C. is made out, now good sense has prevailed and the informant is living in the house of the petitioner as his wife but the petitioner is in custody. In this regard compromise petition has also been filed in the learned court below, vide Annexure-2.

The learned A.P.P. opposes prayer for bail by submitting that during investigation the witnesses have supported the occurrence.

In the facts and circumstances as stated above, at present I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Mahila P.S. Case No. 40 of 2015 pending in the court of S.D.J.M. Araria.

However, the petitioner may renew his prayer for bail after examination of the informant during trial. Let the trial be started at once considering detention of the petitioner.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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